

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18

Applicants: Anatoliy V. Tsyrganovick
Title: Circle Correction in Digital Low-Pass Filter
Application No.: 08/937,877 Filed: September 29, 1997
Examiner: Vivek Srivastava Group Art Unit: 2611
Docket No.: ZILG.183US0 Conf. No.: 2256

San Francisco, California

October 27, 2003

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Technology Center 2600

Mail Stop Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**ALTERNATIVE PETITIONS TO
(1) REVIVE THE APPLICATION AS UNAVOIDABLY ABANDONED
UNDER 37 CFR §1.137(a), or
(2) REVIVE THE APPLICATION AS UNINTENTIONALLY ABANDONED
UNDER 37 CFR §1.137(b)**

Sir:

This petition and the enclosed amendment are in response to the Office Action in this case having a mailing date of October 22, 2002. Due to the period of time that has elapsed since the mailing date, it is assumed that the application is now considered abandoned. It is respectfully requested that the application be revived because the delay in replying was unavoidable or alternatively because the delay was unintentional.

The Office Action of October 22, 2002 was mailed to "Majestic Parsons Siebert and Hsue, Four Embarcadero Center Suite 1100, San Francisco." However, a Notice of change of address was mailed to the Patent Office on February 21, 2002 indicating that correspondence in this case should be sent to "Skjerven Morrill MacPherson, Three Embarcadero Center, 28th floor, San Francisco." A copy of the Notice of change of address is enclosed. Also enclosed is a copy of a return receipt postcard acknowledging receipt of the Notice of change of address by the Patent Office. Therefore, the Office action was incorrectly addressed by the Patent Office through no fault of the Applicant or

Applicant's representatives. Because the Office action was incorrectly addressed, it was not received by the Applicant or the Applicant's representatives in time to avoid abandonment. The Office action was not received until the Examiner faxed a copy of it on June 17, 2003. Thus, the delay was not avoidable by the Applicant or the Applicant's representatives. Therefore, it is requested that the application be revived under 37 CFR 1.137(a) on the grounds that the delay was unavoidable.

Alternatively, if it is decided that the Notice of Abandonment cannot be withdrawn on this record, it is respectfully requested that the subject application be revived under 37 CFR §1.137(b) on the ground that the delay in responding was unintentional. It is submitted, based on the facts stated above, that the delay in responding to the Office action was the result of non-receipt of the Office action and was therefore unintentional.

Please charge any fees in connection with the filing of these alternative petitions to Deposit Account 502664. This document is being submitted in duplicate.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter Gallagher".

Peter Gallagher
Attorney for Applicant(s)
Reg. No. 47,584